

F  
2041  
S69

A  
A  
0  
0  
0  
5  
8  
1  
2  
5  
3  
2





Digitized by the Internet Archive  
in 2008 with funding from  
Microsoft Corporation



# SOME REMARKS

IN REFERENCE TO

# RECENT PROCEEDINGS

OF THE

LEGISLATURE OF BARBADOS,

§c. §c. §c.

---

LONDON:

PRINTED FOR CHARLES FREDERICK COCK,  
64, PATERNOSTER-ROW.

---

1826.

LONDON:  
**JAMES BULLOCK, PRINTER, LOMBARD STREET, WHITEFRIARS.**

1606 312 588 4

F  
2071  
569

## SOME REMARKS

IN REFERENCE TO

## RECENT PROCEEDINGS

OF THE

LEGISLATURE OF BARBADOS,

&c. &c. &c.

---

OBSERVING the systematic and persevering exertions that are made to excite feelings of hostility to the West Indian Colonies, and to induce a persuasion, that, notwithstanding the recommendations of his Majesty's Ministers, in pursuance of the Resolutions of the House of Commons, for the Amelioration of the Slave Population, no legislative measures have been framed for such purposes by the Colonial Assemblies; but that, on the contrary, a spirit of contumacious resistance has been evinced throughout the West Indies; it is intended to consider what has been done in the Island of Barbados, in reference to this important question: that, by a full disclosure of circumstances, and a fair statement of facts, a

571745

B 2

HISTORY

correct judgment may be formed (as to one Colony at least) how far the assertion, at once so general and unqualified, is borne out or contradicted. The inquiry is in itself interesting to every friend of humanity, anxious to trace the progress of improvement in a state of society, the peculiar constitution of which demands the utmost exercise of caution, and the right application of practical expediency, founded on local knowledge and long experience, lest the very *attempt* to introduce improvements, or to confer benefits, should produce disorder and mischief; particularly to that portion of it, to which those improvements and benefits are intended to apply. The inquiry is the more necessary at this important crisis, since, from the assumption, that nothing is to be expected from the Colonial Legislatures, the conclusion is drawn, that it is now the duty of the British Parliament to legislate for the colonies; and efforts are made in every quarter of the united kingdom to rouse the passions, and excite the feelings, in aid of this hazardous career of experiment.

In consequence of the serious alarm that pervaded the colonies in 1823, from an apprehension of the effect which might be produced on the public mind, if the various charges and exaggerated statements on the subject of the treatment and condition of the Slave Population, were not contradicted and refuted, the Council of Bar-

bados adopted the measure of delegating to a Committee of their body, the duty of framing a Report, founded on an Inquiry into the Condition of the Slaves.

The intention will be best explained by an extract from the opening of the Report itself:—

“Calumny can only be repelled by facts. In order to give the stamp of authenticity to the facts on which our defence must be founded, we have thought proper to obtain from his Excellency the Governor, a commission, authorising us to examine, on oath, all such persons as we may have occasion to call before us. Having to contend against prejudices of no ordinary force, and prejudices, which, we freely confess, are founded in some of the best feelings of our nature, we have been very circumspect in the selection of the witnesses whom we have examined as to the treatment and condition of the Slaves. In a community constituted as this is, it is impossible to find many persons, in no respect interested in the issue of the question to which their examinations refer, and who have had opportunities of making observations on the state of slavery.

“Some such persons, however, we have fortunately met with—gentlemen, in whom the common and natural claim to credit, resulting from perfect disinterestedness, is fortified by that refined and high-toned sense of honor, which is peculiarly the characteristic of the profession to

which they belong. To obviate all suspicion of collusion, we beg to remark that we have been directed in the choice of these witnesses by a regard to the official situations which they fill, without any reference to the private opinions of individuals. By looking to the Appendix, it will be seen that Sir Edmund Williams is commandant of the Garrison, Lieut.-Col. Berkeley the head of the Adjutant-General's department, Lieut.-Col. Popham the head of the Quarter Master's department, Dr. Tygart the chief of the Medical Staff, Major Cruttenden the Major of Brigade, and Captain Spink, attached to the Staff of the Commander of the Forces.

“ Certain details, however, connected with the domestic economy of the plantations, could only be obtained from persons connected with property ; but, in all such cases, care has been taken to select gentlemen, whose established reputation for integrity, places them above the suspicion of being seduced from the straight path of honor and truth by considerations of self-interest.”

It should be observed that the Report, from which the foregoing is an extract, was framed antecedently to the arrival of the “ Circular Dispatch” from the Colonial Secretary, which is dated July, 1823. It could not, therefore, have arisen from, or been influenced by, that document, and must be acknowledged to have proceeded from a sincere and spontaneous desire to produce,

and lay before his Majesty's Government and the public, a full exposition of the management and system, in practice, regarding the Slave Population of that Island.

Thirteen gentlemen were examined on oath ; many of these, it has been shown, were officers of rank in His Majesty's service ; some of them had been many years resident in the Island, and in no way connected with it, but in reference to their professional appointments. It is not necessary to give the detail of the examinations, it is before His Majesty's Government, and has been published. But it is satisfactory to remark that, as far as regards the treatment and condition of the Slave Population, the result has been fully confirmed by the Report of the Commission on Civil and Criminal Justice.\* The object here is to show that, under the agitation and feelings of indignation produced by the causes just stated, the Barbadians, through a branch of the Legislature, took *prompt* and *effectual* measures for presenting to His Majesty's Government and the British Nation, a statement, *full, impartial, and complete*. No commission, emanating from this country, could have been chosen, possessing fitter qualifications or greater opportunities for fair investigation and unbiased testimony. Is there any thing in this course of

\* See pages 14, 15, and 18, of Report of Commission of Civil and Criminal Justice in the West Indies.

proceeding that argues *indifference* to public opinion, or to the feelings of the mother country? Does it not, on the contrary, evince a sincere and honest anxiety to vindicate the colony, by repelling the assertions of “gross injustice and unrelenting cruelty,” with which their systems of management had been charged;—not by a return of declamation and assertion, but by a positive scrutiny, and an appeal to facts?

On the 15th May, 1823, Mr. Canning moved three Resolutions in the House of Commons. It is by no means irrevalent to the purposes in view, to consider with what feelings, and under what impressions, they were contemplated by such Barbadians, as were interested in the colony, and were in England at the time. On the 10th of June, a meeting of planters, merchants, and others, was held in London. The Earl of Harewood presided; about fifty gentlemen, possessing property or connexion in Barbados, were present, and the following resolutions, amongst others, were unanimously agreed to:—

“ That the annexed Resolutions moved by Mr. Secretary Canning, on the 15th of May last, and agreed to by the House of Commons, are, in their immediate bearing and tendency, of so important a nature, as to call for the most serious consideration of all persons, who are connected with the British Colonies in the West Indies:

“ That a committee of this body be chosen

forthwith, to prepare, and present to this Meeting, a respectful petition to the two branches of the Legislature of Barbados, beseeching them to take into their most serious consideration the Resolutions relating to West India affairs, referred to in the first resolution."

A Petition was accordingly prepared, and agreed to, as follows:—

*To the Worshipful the House of Assembly of the Island of Barbados.*

" WE, the undersigned planters, merchants, and others, connected with the Island of Barbados, impressed with feelings of the highest respect for the authority of your honorable house, beg leave, in the exercise of a constitutional privilege, to present to you our humble petition, That you would allow us to recommend to your earliest and most serious attention the annexed resolutions, moved by Mr. Secretary Canning, and adopted by the Honorable House of Commons of the united kingdom.

" Your Honorable House cannot fail to observe, that, as regards the West Indies generally, His Majesty's Ministers have, by these resolutions, pledged themselves to exert their influence for the accomplishment of the purposes therein expressed.

" Cherishing, as we fondly do, the principles

and rights of our free constitution in Barbados, as invested in and exercised by the Colonial Legislatures, and lamenting, as we naturally must, any interposition which shall have a tendency to violate the rights, and impair the power of that constitution, we feel a very strong impulse, under the pressure of much anxiety at this crisis, to appeal to the wisdom and discretion of your Honorable House; and, without presuming to point out what course should be pursued by the Legislature of Barbados, humbly to request your Honorable House to take such measures as you may judge expedient, with a due regard to the rights and interests of the master, as well as those of the slave, to revise and amend the laws in existence for the protection of the latter, and to assimilate the enactments for that purpose to the improved state of comfort, which the Slave Population of that Island in practice possesses.

“ We trust that your Honorable House will see the wisdom and justice of repealing some of the Statutes passed in the early settlement of the colony, which, although they have in fact become a dead letter in the administration of the laws respecting slaves, and are forgotten by, or are unknown, to a great majority of its inhabitants, yet are but too frequently referred to as evidence of the harshness of our system of government, affecting the Slave Population.

“ We further trust, that your Honorable House,

in a revision of that system, with a view of reme-  
dying what is defective, and ameliorating what is  
susceptible in it of amendment, will be pleased to  
make such provision for the protection of the  
slaves against the wanton abuse of power, and for  
the advancement of their moral and religious con-  
dition, as may be better suited to progressive  
improvements in their general state.

“ We beg finally to assure your Honorable  
House, that, in preferring this humble appeal,  
your petitioners, interested by every warm, and  
generous, and affectionate tie, in the character  
and prosperity of Barbados, are actuated by an  
anxious desire, that the great and important sub-  
jects to which the declared interposition of His  
Majesty’s Government is directed, should be left  
to the local wisdom and experience of the Colonial  
Legislatures ; persuaded, as we are, that to them  
alone we can look for such regulations of general  
utility, as are consistent with the security of pro-  
perty, and the maintenance and preservation of  
public tranquillity ; indulging, at the same time,  
the earnest hope, that such grave and respectful  
attention will be paid to the suggestions of His  
Majesty’s Government, as shall continue to secure  
to your ancient and loyal colony, the confidence  
and protection of the mother country, and the  
gracious approbation of our beloved Sovereign.”

In contemplating these proceedings, it is evi-

dent, that much *anxiety*, considerable apprehension, and a deep sense of the importance of the subject, influenced the meeting in its decision: but can a single expression or sentiment be pointed out indicative of a temper to encourage, or a disposition to approve a spirit of *contumacious* resistance to the wishes of His Majesty's Government? Was it possible to pursue any other course, more constitutional, or better calculated to invite the co-operation of the Colonial Legislature, in the adoption of such measures of amelioration, and general improvement, as might be consistent with the security of property, and the maintenance and preservation of public tranquillity?

It is now proper to state what took place in the Island when Lord Bathurst's circular dispatch, dated 9th July, 1823, was made known. So early as the 30th September following, a meeting of the Council was held for the purpose of "taking into consideration a dispatch from the Secretary of State for the Colonies, to his Excellency Sir H. Warde." A debate of very considerable length ensued, during which every point contained in his Lordship's dispatch was considered; the result was a recorded declaration to this effect—"It is impossible for any reflecting man to peruse, without dismay, a dispatch from the Secretary of State for the Colonies, threatening, in most direct terms, to legislate for us in England, unless we adopt in *toto*, and without hesitation, a certain plan of

government for our slaves, prescribed by him, —more especially, when we find that, along with many wise and judicious regulations, there are some which must prove totally subversive of discipline; and others which, although applicable to the circumstances of some of the Islands, would be most inconvenient, if not ruinous, to others.”— And the Council express a hope “ that it will not be supposed they come forward to raise captious objections, or to excite a spirit of opposition to the measures proposed by the Minister; on the contrary, they declare, that, in attempting to point out what strikes them as defects in the plan, they are influenced by a sincere desire to insure the faithful and cordial co-operation of the people in such measures of amelioration as may ultimately obtain the sanction of the Legislatures.” In accordance with these feelings, the Council appointed a Committee for the purpose of revising, amending, and consolidating the Slave Laws.”

Here it will be necessary to advert to the course pursued by the House of Assembly.—The dispatch of Lord Bathurst was submitted to the consideration of the House by his Excellency the Governor, on the 23rd of September, 1823, and the following reply was made:—“ That the propositions of his Lordship would be duly considered in their deliberations, and such measures pursued as local circumstances, the safety of the inhabitants, the interests of their property, and

the welfare of the slaves themselves would admit."

It is right to remark, that in 1821, (long before Lord Bathurst's dispatch), the attention of both branches of the Legislature had been directed to these important subjects ; that, in 1822, a Bill was in progress, but not completed, at the period when the assembly expired by law.

In the course of the next meeting of the Assembly, Committees of both branches of the Legislature agreed to co-operate in a renewal of the undertaking, Bills having been prepared by each. Much difference of opinion, and frequent interchange of communication took place on points of serious importance connected with the subject of their legislation ; and it was found impossible to complete their designs during that Session. It is not necessary to enter into the particulars of the difference of opinion between the two branches of the Legislature : the delay occasioned by various circumstances seems to have been felt as matter of serious regret by both parties. It is clear from the documents addressed to the Governor by each branch of the Legislature respectively, that, though their opinions varied, the objects they had in view were the same ; and a reference to their proceedings will show, that much time and attention had been devoted to the task. In the early part of the Session of 1825, in the month of March, an Act passed the Le-

gislature, and received the assent and signature of the Governor. It is entitled “An Act to Repeal several Acts, and Clauses of Acts, respecting Slaves, and for consolidating and bringing into one Act, the several Laws relating thereto, and for the better Ordering and Government of Slaves, and for giving them further Protection and Security; for altering the mode of Trial of those charged with Capital and other Offences, and for other purposes.” Waiving, for the present, any remarks on the Act itself, it is essentially necessary, in the spirit of the present inquiry, to refer to Mr. Canning’s Speech of 15th May, 1823.—Adverting to the Resolutions, he said—“The House would be aware, there were certain colonies over which Parliament exercised immediate powers without the intervention of any Colonial Legislature. In their case the action of Parliament would be more free, than in the case of colonies having their own particular governments; and to the latter, he trusted that the conduct of the other colonies would operate as an example; at the same time he must freely declare, that in this matter he thought the House had a right to expect from the Colonial Legislatures a full co-operation.

“He would candidly add, that any resistance which might be manifested to the express wishes of Parliament on this subject, any resistance, he meant, which should partake not of *reason*, but

rather of *contumacy*, would create a case (a case he trusted that would not, however, occur), upon which His Majesty's Government would not hesitate to come down to Parliament for their counsel." Now let the conduct of the Barbadians *here* and *abroad*, be considered in reference to the feeling expressed by the Minister on this occasion : it may be inferred, that he foresaw, and was prepared to expect, that differences of opinion, and delays might arise, on questions of such "deep importance, and complicated intricacy—questions that involved difficulties, that must be solved by patient consideration, and impartial attention, respecting which it would be the most flagrant injustice to persist in endeavouring to attain the object which all desired, without reference to the circumstances which impeded that consummation."\*

In reviewing the proceedings of Barbados, it must be admitted, that whatever non-compliance with the wishes of Parliament may appear, when viewed, not in reference to Mr. Canning's *Resolutions*, but the subsequent *Orders in Council*, yet, that two important facts are elucidated : First,—That the charge of *contumacious* resistance, deprecated by the minister, does not apply ; and, secondly, that the assertion which has been so industriously circulated, that the Colonial Le-

\* Mr. Canning's Speech, May 15, 1823.

gislatures *have done nothing*, and *will do nothing*, is, as applied generally, utterly unfounded. It may be premised, that a *sincere* and zealous desire to adopt the *spirit*, and co-operate in the design expressed in the original Resolutions of Mr. Canning, is perfectly compatible with a degree of hesitation and feeling of peril, as to the adoption of the Orders in Council. The Colonial Legislatures may be most desirous to adopt “effectual and decisive measures for meliorating the condition of the Slave Population,” in a manner calculated (according to their judgments at least) to promote the objects, and insure the results anticipated, without precipitately and indiscriminately assenting to the numerous clauses contained in a code, which, professing to be framed on the basis of those Resolutions, contains, nevertheless, regulations, which, it is contended, cannot in the nature of things apply equally to the whole of the West-India Colonies. It is important to recollect, that these regulations were originally declared by the Ministers of the Crown to be *experiments*, which might be “tried with greater facility in the Colonies wholly governed by the Crown;” nor should it be forgotten, that the circumstances of one of *these* Colonies required the interposition of the Colonial Minister in directing a temporary suspension of their operation, and in granting a discretionary power (as was understood) for the same purpose, to the

Governors of others; at least in regard to particular clauses, from the effects of which, danger might be apprehended. Without discussing the various matter contained in the 43 clauses of the Order in Council, or impugning their wisdom, is it invidious to remark, that if the Colonial Minister thought it prudent to adopt this cautious policy, circumstances *might* induce the Colonial Legislatures to act under a similar influence of caution or of delay, in regard either to the immediate adoption, suspension, or rejection of parts, or of the whole of the regulations in question?—regulations which, when allowance is made for the prejudices supposed to cloud the faculties of every colonist, must, as to many essential points, have appeared hazardous in the extreme, as innovations wholly changing the tenure, and weakening the security of their property, and as leading to all the mischief that might be expected to result from insubordination and too sudden a relaxation of those restraints, which, in a state of slavery, cannot at once be removed, without incurring the risk of a dissolution of those ties, on which alone the safety and tranquillity of master and slave depend. If, therefore, it is found that some colonies have only partially adopted these orders, and that others have not yet done so, yet no conclusion can be fairly drawn, against the whole of the colonies, of such a *contumacious* resistance to the wishes of

Government, as would furnish a case, with which His Majesty's Ministers should go to Parliament for further counsel; much less such as would justify the hazardous experiment proclaimed at the close of last Session,\* of introducing measures which would supersede the Colonial legislative authorities in their most important and peculiar functions, and which, by the introduction of enactments, at once injurious to property and degrading to the feelings, seem calculated only to disturb and irritate.

Let us now consider what it has been attempted to accomplish in Barbados by legislative enactment, and by the introduction of improvements favorable to the great work of melioration, in accordance with the spirit of Mr. Canning's Resolutions. The first clause of the new Act repeals all the old laws for the government of the Slave Population, from the date of the first Act, 1688, to that of the last, in 1818. It is quite unnecessary to expose to view every feature of the old Statutes thus repealed. In the Report of the Commission on Civil and Criminal Justice, they are termed "cruel and horrible enactments, framed at the time, and in the spirit of the early settlers;" but whatever may have been the spirit, or the circumstances under which they were framed, it should be recollected they never could have ob-

\* See Mr. Brougham's Notice.

tained currency but by the stamp of authority conferred by the Government of the mother country ; and it may serve to repress those emotions of wonder and indignation which are excited by the propensity to refer to the objectionable clauses in those Statutes, to recollect how many disgraceful enactments in the British Code yet remain, or have only recently been repealed, notwithstanding the talents of a Romilly and a Mackintosh have, each in turn, supported by the encouragement of the British Senate, been devoted to a consideration of the revision of our criminal law ; a work which, as to practical results, seems reserved for the clear judgment and peculiar qualifications of the present Secretary for the Home Department. It is, however, a consolatory reflection, that, for a long course of years, these laws were inoperative and obsolete, and thus public attention in the colony was seldom awakened to the subject, as appears from an authority which will be considered most impartial on this point, the Report above cited, from which the following passage may properly be introduced :—  
“ The Statute books of the different islands contain many cruel and horrible enactments, framed at the time and in the spirit of the early settlers ; but these are *never* put in execution, and are most repugnant to the sentiments of the humane and enlightened inhabitants, who now constitute, in the principal islands, a great and increasing ma-

jority, with all the diversity of temper and disposition which exists among mankind. A master willing to enforce these sanguinary laws, within the period to which the inquiries of the Commissioners extended (twenty years), has not been found: should any such appear, he would be regarded with unfeigned aversion. Of cruel masters we indeed sometimes heard: I believe three instances were mentioned to us in twelve islands. One was indicted capitally, and we did not learn the result. One was prosecuted for a misdemeanour, and acquitted for want of evidence, (slave testimony being inadmissible). One was not proceeded against from a reasonable apprehension of a similar result, and from a like cause. Of the two last, one was afterwards excluded from society; the other, intruding into it, was notorious and infamous wherever he appeared."\*

We proceed to show what has been substituted in lieu of those Statutes which have been repealed.

*Trial by Jury* has been extended to the slaves in all criminal cases, subjecting the offenders to death, transportation, or imprisonment; and (as in England) the verdict must be unanimous.†

When a slave shall be prosecuted for any

\* See page 14 of "Report of Civil and Criminal Justice in the West Indies.

† See clause 2 of the recent Consolidation Act of Barbados.

capital offences affecting life, by the owner of such slave, or any person having the charge and direction of such slave, the senior justice of the court is directed to engage a solicitor for the accused, at the expense of the public.

Several clauses (from the 11th to the 19th, both inclusive) relate to the confinement and regulation of slaves in custody in the cage—limiting the numbers, and enacting classification as to sexes—and placing that, and all other prisons, under the inspection and control of the magistracy, who are expressly required to see that the same are clean, healthy, and wholesome, and that good and sufficient food be allowed to those in confinement.

By the 42d clause, the wilful murder of a slave is declared felony, without benefit of clergy; and thus, any ambiguity that might possibly arise from the introduction of the words “without provocation,” in the law as it before stood, is removed.

By the 44th clause, persons wantonly committing any acts of cruelty on the person of a slave, or suffering the same to be done, or confining him without proper support, shall, upon conviction, be fined, not exceeding 25*l.* Justices having information of any such offence, shall summon the offender before them, and shall bring the accused face to face, whether such person be a white, free coloured, or free black

person, or a slave; “ but if such offence cannot be fully proved, and the slave or slaves so alleged **to** have been cruelly punished, shall be produced, and if the marks or traces of recent flogging, laceration, or punishment, shall appear on the person or persons of such slave or slaves, and if such slave or slaves shall, before the justices, declare such marks or traces to be the consequence of such cruel and unlawful punishment or correction, and being duly examined by the said justices, shall make a *particular*, consistent, and *probable statement* of all the circumstances attendant on such cruel and unlawful punishment, then, and in every such case, the party or parties accused shall thereupon be considered guilty of the offence.” A person maiming or mutilating a slave, whether his own property, or the property of any other person, shall, on conviction, be punished by fine and imprisonment; and the Court shall order the treasurer to take possession of the slave so maimed, and sell him to a person of humane repute. For a *second* offence, the party shall forfeit the *whole* of his property, and the Governor and Council shall appoint trustees over the same, who shall, with the consent of such owner, sell the property, and pay the creditors (if any), or otherwise pay the amount to the owner.

By the 45th, all public and private punishments by whipping, to be inflicted with the like instru-

ment as is used in His Majesty's navy and army, except in private punishments, where a milder instrument may be used, and where the punishment of female slaves by whipping shall be necessary, the same shall be inflicted on the shoulders, and in a decent manner, without any unnecessary exposure of the body. Persons offending to forfeit 5*l.* for every such offence.

By the 46th clause, persons fixing iron collars, weights, or chains, on any slaves, shall be prosecuted at the Grand Sessions, and be subject to fine and imprisonment.

The Act from whence the foregoing clauses are taken, passed the Assembly the 8th of March, 1825, and the Council, the 18th; on the 25th of the same month, a member of Council gave notice that he should, at the next meeting, introduce a Bill for dispensing with all fines and payments, except office-fees on manumission of slaves—for equalizing rights and privileges of all descriptions of free coloured persons—for legalizing the testimony of slaves, under certain restrictions—for abolishing the Sunday market, and for encouraging the marriage of slaves. A Bill for these purposes subsequently passed the Council, as a Supplemental Bill to the Consolidated Slave Act, but was rejected by the House of Assembly, on the plea that it ought not to originate with the Council, being considered as a Money Bill. An Act, however, has since passed, to

“ afford increased facilities in the manumitting of Slaves, and to extend the benefit of testimony to such free coloured and free black persons, who, as yet, have not been admitted to that privilege, and also to settle and establish the freedom of those, whose right to the same may be considered as doubtful.” By this Act, a Deed of Manumission, executed by the owner of a slave, is good and valid, without the payment of any sum of money whatever, except the necessary fees for proving and recording such deed. Thus, all the former deposits required to be made, which, no doubt, were intended as prudent precautions and humane provisions for the maintenance of the manumitted persons, but have latterly been viewed as presenting obstacles to manumission, have been abolished, and every facility has been given, consistently with the due preservation of the rights of property, or, as it should seem, with the spirit of Lord Bathurst’s recommendation, contained in the original dispatch of the 9th of July, 1823, where certain regulations are proposed “for removing all obstacles to manumission, and that permanent Commissioners should be appointed, who, on application being made by or on behalf of any slave, to purchase his freedom, *with his master’s consent, &c. &c.*” It is essential to notice, that a very different principle is laid down by the subsequent Orders in Council, or Trinidad Code; where it is enacted, that any slave may purchase his own freedom, or that of

his nearest relatives, without consent of his owner. But when this part of the subject is duly considered—when the consequences that might follow such a practice are estimated, and the virtual attack on property is taken into account, without adverting to the political danger which might ensue from such an engine of sudden and indiscriminate emancipation, put in action, not by the safe and gradual operation intended, no doubt, by His Majesty's Government, but possibly by the high pressure of exertions which may be applied to such purpose from this country,—it cannot fairly be matter of wonder that the Colonial Legislatures should have declined entering on this, as on some other points; at any rate until they shall have received more satisfactory assurances of compensation, in case of loss produced by the operation of the changes they are required to adopt, than they yet have had.

By the foregoing statement, it is by no means intended to convey an opinion, that the Act of Barbados embraces all those points of amelioration which the case requires—which, without hazard, may be granted—which have been adopted in some of the colonies, and, it is hoped, will by degrees obtain in all. The course of Legislation is necessarily progressive. In reference to Barbados it has been shown how soon after the passing of the Act, a supplemental one was added, in regard to manumission and other points; and that, on several other important questions, the

attention of one branch of the Legislature had been anxiously employed.

The object of the present Inquiry has been, to bring to notice what has been accomplished in one island, and to prove, that the reform, which has been introduced into the Laws regarding Slaves, whether compared with those that have been repealed, or considered with a fair allowance for the fears and prejudices of the colonists, is to a certain extent beneficial, although it does not embrace all the improvement anticipated ; at least the charge cannot be applied to Barbados, of having shown indifference, much less a spirit of hostility, to the wishes of Government. On the contrary, it indisputably appears, that neither zeal, nor labor, has been wanted in their deliberations—that whatever degree of hesitation there may have been as to the adoption of the regulations proposed by his Majesty's Ministers, it ought in candour to be ascribed to the spirit of fair reasoning, and not to that of "*contumacy*,"—and that no ground whatever has been furnished to justify the difficult and hazardous measure of the further parliamentary interference of this country.

Some further observations may not improperly be offered with regard to the Consolidation Act of Barbados ; which, as appears by a dispatch from Lord Bathurst, has not been confirmed by His Majesty, for the reasons therein stated by his Lordship. It is deeply to be deplored, that the

time and labor bestowed on the undertaking, (to form a notion of which, reference should be made to the papers laid before Parliament, in 1825), did not produce a more successful result ; but it is most earnestly hoped, and, indeed, confidently expected, that the Act will be returned to this country so amended as to sanction his Majesty's Ministers in advising the royal confirmation of it. Meanwhile, it may be useful to consider some of the leading points contained in the Orders of Council, which have not been directly introduced into the Act ; with this remark, that there is scarcely one of those points that did not undergo the most serious deliberation, that as to *some* the *spirit* may be said to have been adopted, though not the letter ; and that, as to the rejection or postponement of others, the reasons, which influenced the Council, or House of Assembly, are to be found in the papers before the House of Commons.

To begin with the admission of Slave testimony ; it appears, that, under certain restrictions, and qualifications, this privilege was intended to be granted in 1824, as is shown by the 60th Clause of a *Bill* which passed the *Assembly* in that year ; —by its omission in the *late Act*, it must be presumed, that doubts of its expediency must have arisen, which did not before exist. On this question, it is important to observe how opinions vary in the high authorities of the Attorney and Solicitor-General of Barbados. In the Appendix to

the first Report of the Commission on Civil and Criminal Justice in the West Indies, the following questions and answers appear.

“ Do you find that Slave evidence is in general correct, and to be depended upon ; and, if not, is it owing to want of intellect, or of integrity ? ”

Answer by the *Attorney-General*. “ Not in general correct, or to be depended upon ; which, I think, is rather owing to want of integrity than of intellect.”

Answer by the *Solicitor-General*.—“ My opinion is, that in general they have not an idea of the nature of an oath ; and what they say in Court, where their fellow-slaves are tried, is frequently found to be false ; and I should be extremely cautious in forming my judgment upon any thing which they should assert. It would be a most desirable thing, if any mode could be formed by which their conscience could be duly and properly impressed ; I am afraid their integrity is frequently more impeachable than their intellect.”

“ Do you think the evidence of Slaves might be properly admitted in any other, and what cases, and under any, and what restrictions ? ”

*Attorney-General*.—“ I don’t see myself, in the total absence of all white, or free coloured evidence, and where better evidence could not be had, that any harm could result from admitting the evidence of Slaves to facts in criminal cases. The chief difficulty would be how to swear them,

so as to make them esteem their oath binding.—Most of them have an idea of God, and of a future state. I speak only of criminal cases. I have not thought yet of admitting their evidence in civil cases, in which it could seldom be wanted, all contracts being only between free persons."

*Solicitor-General.*—"I think it would be dangerous to admit the evidence of Slaves further than it is already admitted."

Seeing such conflict of opinion in men, so well qualified to judge, can it be matter of surprise, if doubts should prevail in the public mind on this question? It may, however, be expected from the feeling, which is known to exist in favor of granting this privilege—from the circumstance of its introduction by the House of Assembly on a former occasion—and also from the fact of the *principle* having been acted on, to a certain extent, in the 44th Clause of the late Act, that, under proper restrictions and qualifications, it will be finally enacted.

On the subject of the corporal chastisement of females, on which so much stress is laid, it must be recollect that the Act provides, as far as possible, against any indecency, or unnecessary exposure of the person, or undue severity in the execution. But it would seem that, in the *absolute* and *entire* abolition of the *power* to inflict such punishment, the Colonial Legislature see as much danger and risk of insubordination, as if it

extended to the male population also ; considering it unsafe *at once*, by removing the POWER, to extinguish for ever the DREAD of that punishment. Under a firm persuasion that evil consequences would ensue, they are impelled by a paramount sense of duty which they owe their country, of whose welfare and tranquillity they are the guardians, to wait the effects of a greater degree of civilization, before they hazard, not merely the consequences arising from inconvenience in the practical management of an estate (as illustrated in the case of Trinidad), but as affecting the principle of subordination, on which the safety of the colony depends. Be it remembered also that, notwithstanding all the glow of eloquence which recently burst forth on this subject, and the warmth of feeling which has been expressed, the abolition of such punishment as this Act would sanction, is, even under the progressive civilization of ages, and in circumstances, so widely different, only of recent adoption in this country. On the abolition of Sunday Markets, Lord Bathurst, in his dispatch, stated "the immediate abolition of Sunday Markets is not insisted on, until the means of religious instruction shall have been provided." This was one of the points on which there was a difference of opinion between the Council and the Assembly ; the former being in favor of it. The reasons why the Assembly did not immediately adopt it are stated by the Speaker,

in a letter to the Governor, dated 31st August, 1824.

It may be confidently assumed, that the general wishes of the white inhabitants, from motives of self-interest alone, are in favor of abolishing the practice, which has been considered a nuisance in Bridgetown, and other towns, almost beyond the control of the police; destructive of good order, and incompatible with the higher considerations of morality and religion. But, though some difficulties connected with the feelings and long habits of the negroes interpose, yet it may be presumed that they will be obviated, and the desirable purpose accomplished; at least, with no greater deviations than are tolerated in this country.

The question presents itself, in some respects, in a different light in regard to Barbados, from that of some other colonies, in consequence of the system which prevails in the former, of supplying food to the negroes from the common stock, raised from the joint labor included in the six days. Hence, there is no occasion for legislative enactment fixing any time for the negro to cultivate ground for his *own subsistence*, as in some other colonies.

The subject of *manumission* has been already alluded to, and it has been shown, that, by a Supplemental Act, all former obstacles have been removed, and every facility, (consistently

with the rights of the owner) given for this important end. But if His Majesty's Ministers, extending their views beyond the principle laid down in Lord Bathurst's original dispatch, require the application of the clause, as it stands in the Trinidad Code, conferring the privilege of manumission by purchase, without recognising the right of *consent* on the part of the owner, it must be expected that every degree of opposition, which may be legitimately used, will be resorted to. It is a point that touches the great principle, which enjoins a sacred regard to private property, in the advancement of any purpose for public or national advantage. It calls upon the parties interested, to adopt a measure, which would tend to the certain deterioration, if not rapid dissolution, of their property ; while, from the very adoption of such a measure (which it might be contended hereafter was spontaneous), the claim of compensation would be denied. Can it fairly be said that in the price of manumission fixed according to the regulations laid down, the owner has his compensation ? An estate, with a population of 200 negroes, may be yielding an annual return of 2500*l. sterling*. The probable amount of the appraisement of the negroes would, at a large rate of valuation, give him a capital yielding perhaps 800*l.* a year at the utmost.—Now, with respect to the land, of what value can that be estimated, when left without the means

of culture, or of that description and certainty of culture, by which alone colonial estates in the West Indies can be profitable to the owners or to the nation; burdened too, as might possibly be the case, with the charge of a superannuated and inefficient population.

Viewed abstractedly, the policy or wisdom may be doubted of regulating by legislation the condition of obtaining the boon of freedom, not in proof of good conduct—a principle recognised in all the old colonies, in reference to signal acts of public service beneficial to the state—not on any period of apprenticeship or tried fidelity, but on the mere acquisition of a sum of money, accumulated, probably, by a systematic course of pilfering, which (no regard whatever being required as to character or circumstances) such regulation would, in practice, inevitably encourage.

Having referred to some of the chief points of these regulations, it is not necessary to observe on others of less importance; the primary object of this inquiry, not being for the purpose of discussing their merits, but of showing the disposition, and marking the intention, of the Barbados' Legislature, as evinced by their proceedings.

Separated as the colonies are, one from another, called upon suddenly to legislate on points of such serious importance, and extensive innovation, there was no opportunity of an interchange of opinion, or uniformity of design; nor perhaps

indeed could such have been expected from the varying circumstances of the different colonies ; hence nothing but confusion and error will ensue from attempting to generalize the subject, by applying the particular line of policy which may have been evinced by one colony, to that of the others. One common feeling of apprehension however seems to have pervaded the whole, in regard to the consequences that might be expected to result from the proceedings of the mother country ;—but with this general impression—each colony seems to have been guided in its councils by its own peculiar circumstances, and the degree of feeling produced by the different aspects under which the momentous subject appeared, when viewed, not at a distance, or through the medium of abstract theory, but in the immediate scene of action, and in close connection with the direct and palpable subversion of deep rooted opinions, and long established institutions. What course Barbados pursued has been shown ; it cannot be denied that, in several of the other Islands, greater steps to amelioration on particular points (as far as legislation goes) have been made ; and hence, it may be inferred, an equal desire in such has been felt to co-operate with the wishes of His Majesty's Government, and to place *them* also beyond the suspicion of evincing a *contumacious resistance*. But, should it appear, that any one of these important possessions of the

Empire, is considered obnoxious to the charge, merely from the converse of the proposition advanced, the statesman, disdaining to be influenced by the clamor of faction, or borne away by the tide of excited feeling, will, superior to all other considerations, take a firm stand, and weigh well the consequences to his country, which may be brought about by the power of eloquence, or the influence of example, in encouraging feelings of animosity or resentment. He will enter on the cause with a determination to have the whole case before him, and to scrutinize not merely the actions, but the motives that induced them.

Without denying, or doubting, the supremacy of the Imperial Parliament, it may be stated that a great country, exercising all the functions of legislative authority, is suddenly required by the parent state to adopt experimental regulations,\* framed without reference to that authority, without its co-operative counsel or consent, without offering to that authority an opportunity

\* Avowed to be experimental, and so considered by the Governor of Trinidad, who, in a letter to Lord Bathurst, dated 7th May, 1824, thus expresses himself—"I venture to hope, that as this colony is made the subject of an *experiment*, and the planters, and proprietors of slaves, are exposed to all the risk attendant upon the trial, of an *uncertain* measure, that His Majesty may be advised to afford some *boon*, in the shape of special bounty, to the produce of the colony, that may act as an encouragement to the planters, to cheerfully co-operate in a measure, which, they now feel, exposes to danger, and to risk, the property of themselves, and their children.

of previously interposing objection, or remonstrance. So circumstanced, if those to whom the protection of the rights of their countrymen was confided, apprehended danger from submitting to the *principle* on which such regulations were established, and even from parts of the regulations themselves, are they to be charged with contumacy for not having yielded immediate and unconditional compliance?

Might not the internal policy of that particular colony, still vibrating under the effects of recent internal commotion, particularly when its relative situation to St. Domingo is considered, demand a greater degree of caution than might be necessary in others not so circumstanced? Or, if seriously and conscientiously impressed with a conviction of the mischievous consequences that would result from engrafting into their Legislative Code, regulations that had a tendency to alter the nature, and diminish the security of their property, they deemed it right to ascertain whether any assurances of compensation would be given for loss that might be occasioned by their acquiescence, and received no satisfactory answer; was not such a result more calculated to strengthen their doubts, than to allay their apprehensions, and to make them anxious to see what effect those regulations, *avowedly experimental*, might produce in the colonies for which they were more particularly framed, before they ventured to adopt them

themselves? These reflections arise, not from the design of vindicating the policy of the particular colony, to which they may be supposed to apply—a task that will, no doubt, be undertaken by ability proportionate to the subject, and the magnitude of the interests at stake—but as connected with the general purpose of this inquiry; since whatever affects the interests of one colony cannot be matter of indifference to the others: there is a sympathy in their political destiny, which must be felt by all; their fate is united;—if any great convulsion bursts on one, the shock, like that of electricity, will spread through every link of their connection, and the ruin of one, would probably be followed by the destruction of the rest.

It matters not to the West Indies, therefore, whether the attempts, which will be made to supersede their legislative authorities, and sacrifice their independence, are grounded on charges against Jamaica or Barbados;—it is the interest of one and all to oppose such an attempt, come from what quarter it may, or in what shape it will; since, if only partially carried, it is easy to foresee, that the consummation anticipated with such furious zeal, must be accomplished. *Emancipation*, and not amelioration, is the order of the day; and the only question on which there seems to be any hesitation, is, whether the emancipation shall be gradual or immediate. As the readiest

means of attaining this purpose, it is intended to extinguish the functions of the colonial legislative authorities. To this view, all the writings and the speeches of the enemies of the colonies are directed, and appeals are made throughout the united kingdom to create feelings of resentment or indignation, endeavouring, on grounds of asserted defiance and contumacy, to justify the interference, or vindicate, as it is said, the supreme and insulted authority of this country.

An eloquent statesman observed—"I am for pursuing the slow and silent course of temperate, but authoritative admonition. No feeling of wounded pride—no motive of questionable expediency—nothing short of real and demonstrable necessity—shall induce me to moot the awful question of the transcendental power of Parliament over every dependency of the British Crown. That transcendental power is an *arcaneum* of empire, which ought to be kept back within the *penetralia* of the constitution. It exists, but it should be veiled. It should not be produced upon trifling occasions, or in cases of petty refractoriness and temporary misconduct. It should be brought forward only in the utmost extremity of the State, where other remedies have failed to stay the raging of some moral or political pestilence."

The exposition is as sound as the language is dignified. To Mr. Canning it belongs, and is such

as might be imagined to have fallen from the lips of a Chatham.

Can any one, who has given attention to the course of action pursued by that party, which is upon all occasions opposed to the interests of the colonies, doubt their intentions? Can their present line of proceeding be reconciled with their former declarations; all of which, whether in reference to the abolition of the Slave Trade, or amelioration of the condition of the slaves, uniformly deprecated the idea of emancipation: but now, as the great work of amelioration advances, their impatience or their disappointment seems to increase.

Deeply was the want of religious instruction deplored; yet, no sooner was a plan adopted by His Majesty's Ministers for supplying the means of diffusing it, than the whole scheme was derided as inefficient—the episcopal establishment ridiculed—and it was insinuated that the ministers of the established church did not possess the requisite qualifications for imparting religious instruction to the negro population.

Meanwhile the public should know, that, though the course of legislative enactment may, from various causes, have been impeded, the progress of moral and religious improvement has been rapidly advancing. Of this, abundant proof is furnished by the Report of the Commission of Inquiry,

respecting the Civil and Criminal Justice in the West Indies,\* by the declaration and opinions of the bishops, and by the unquestionable authority of facts which speak for themselves;—in the measures, for instance, that are in progress for providing places of public worship—in the institution of schools—and in the co-operation which (without any exception) has been evinced and acknowledged, in seconding the views of His Majesty's Government, as to the episcopal and ecclesiastical establishments. Every purpose connected with the question of *amelioration* will, it is hoped, be safely and effectually accomplished, and secured by colonial legislative authority, as far as such authority can be safely exercised. With regard to further or ulterior views, may the sentiment uttered by one of His Majesty's Ministers never be forgotten—That “ *in deliberating on the work of amelioration*, especial care should be taken not to drive the ploughshare over the rights of our West-Indian fellow-subjects.” It must be admitted, that there is a point, at which the colonies will be justified in making a stand, by appealing to the sacred principles of justice, good faith, and national integrity, for a full and explicit recognition of their claim to compensation, in reference to loss or destruction of property which may be brought about by a system of interference, over

\* See pages 14 to 18, &c. of the Report.

which they had no control, but to which they were compelled, or induced rather, by the overwhelming influence of the mother country, or by a reliance on her adherence to those principles, to submit.

The period may not yet have arrived for this appeal, and it will much depend on the conduct of His Majesty's Ministers to retard or to accelerate it.

It matters not to the West Indian, whether the dissolution of his property is effected by a sudden fiat of supreme authority, or that more slow but equally certain process of delapidation, which is now in progress, under the mistaken motives, or specious pretences of philanthropic reform. Deep will be the responsibility of those, if it can be supposed there are any such, who, to gratify party feeling, to catch a transient puff of popularity, or to answer present political interests, suffer themselves to deviate from the course of public duty, when these important subjects are discussed in Parliament, subjects that involve the political existence of the colonies, the naval power, and, consequently, the proud pre-eminence and national prosperity of this country. His Majesty's Ministers, uninfluenced, and superior to such considerations, will, it is confidently hoped by all who are anxious to preserve the ties of relationship and affection, of mutual advantage, and reciprocal support, between Great Britain and her colo-

nies, express a more decided tone of *disapprobation*, a more explicit declaration of feeling, than they have yet done, to curb the restless spirit of interference, which keeps the colonies in a state of feverish agitation, that tends to retard rather than to advance the progress of improvement, and to excite all the turbulent passions of hatred and discontent.

Can it be said that this is an exaggerated statement, when we mark the progress of the temerity, and witness the disclosure of the policy, manifested by the anti-colonial party?—when we see the fretful impatience with which not only the measures of the Colonial Legislatures, but of His Majesty's Ministers also, are received, and the inclination displayed to usurp, as it were, the functions of Government, in the promotion of their own wild theories and visionary prospects?

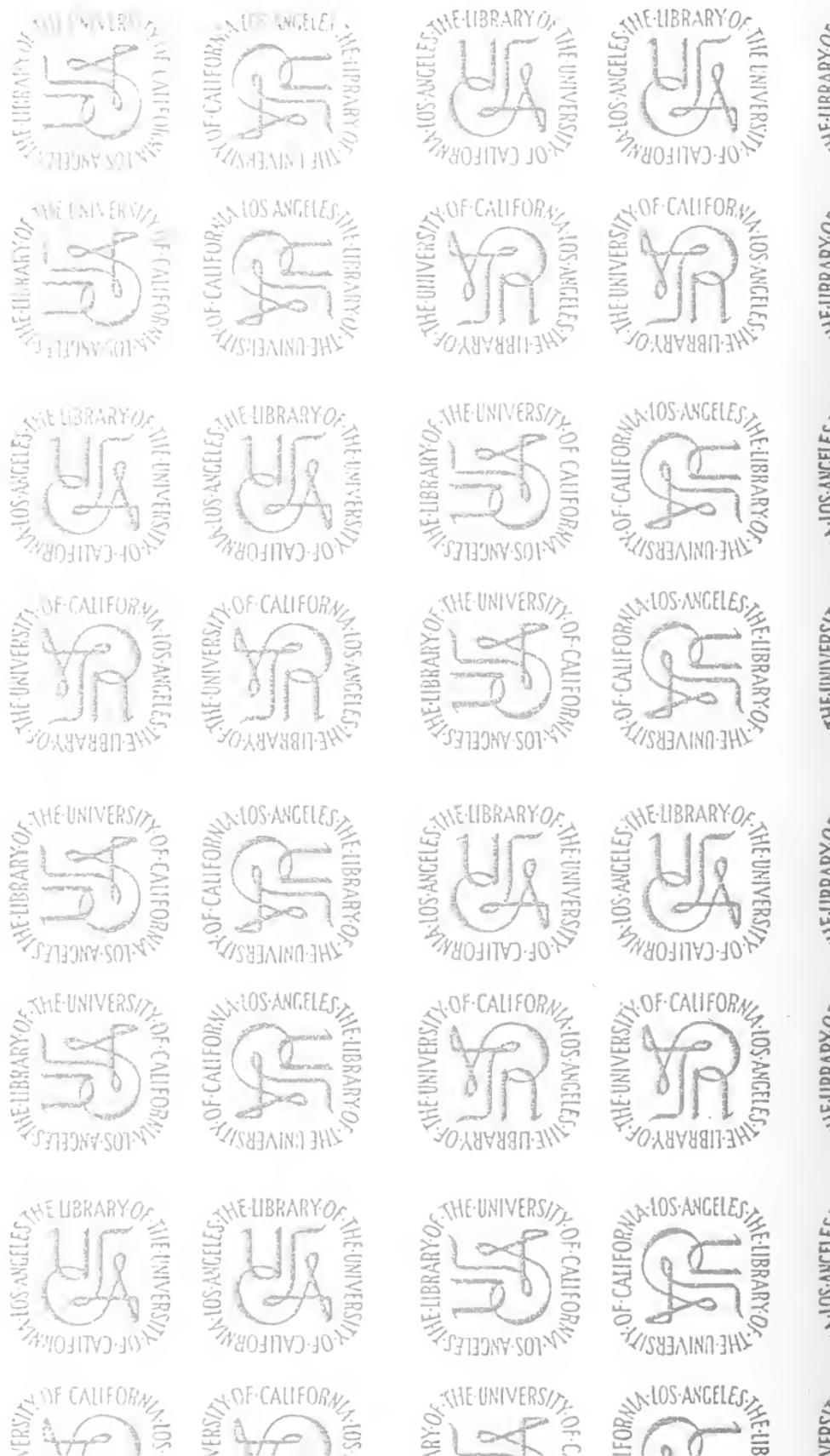
THE END.

LONDON:

PRINTED BY J. BULLOCK, LOMBARD STREET, WHITEFRIARS.

THE LIBRARY  
UNIVERSITY OF CALIFORNIA  
LOS ANGELES







AA 000 581 253 2

